IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6579 of 2007()

CRIME NO.69/07 OF SULTHAN BATHERY EXCISE RANGE

: PETITIONER/ACCUSED

SARADA, D/O GOPALAN CHETTY,
AGED 45 YEARS, VALAMVAYAL HOUSE,
MOOKUTHIKUNNU, NOOLPUZHA AMSOM DESOM,
SULTHAN BATHERY, WAYANAD DISTRICT.

BY ADV. SRI.N.J.ANTONY

RESPONDENTS: COMPLAINANT/STATE

---

1. EXCISE INSPECTOR,
SULTHAN BATHERY.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6579 of 2007

Dated this the 31st day of October, 2007

ORDER

Application for anticipatory bail. The petitioner, a woman, was allegedly found to keep in her possession 140 litres of wash. Thereby she is alleged to have committed an offence punishable under the Kerala Abkari Act on 1.10.07. The detecting party had no woman official in it. The petitioner allegedly ran away also when she was intercepted. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is innocent. She may be saved of the undeserved trauma of arrest and detention, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application and in the facts and circumstances of the case I find merit in the opposition by the learned Public Prosecutor. I am unable to find any features available in this case which can justify or warrant the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. The petitioner, I agree with the learned Public Prosecutor, must surrender before the Investigating Officer or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course.

4. This application is, in these circumstances, dismissed, but I may hasten to observe that if the petitioner surrenders before the Investigating Officer or the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously

(R.BASANT, JUDGE)

rtr/-